

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 2:24-cv-04501-CAS-MAA Date: March 25, 2025

Title: *Kyron Lynn Aubery v. Matthew Allen et al.*

Present: The Honorable MARIA A. AUDERO, United States Magistrate Judge

Cindy Delgado
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiff:
N/A

Attorneys Present for Defendant:
N/A

Proceedings (In Chambers): **Second Order to Show Cause Why This Court Should Not Recommend Dismissal; Directing Plaintiff to File Notice of Change of Address**

On September 13, 2024, the Court issued an Order Dismissing First Amended Complaint with Leave to Amend (“Order”). (Order, ECF No. 8.) The Court ordered Plaintiff to, no later than October 13, 2024, either: (1) file a Second Amended Complaint (“SAC”); (2) proceed with—and request that the Court reinstate—the First Amended Complaint; or (3) voluntarily dismiss the action. (*Id.* at 7–8.) In the absence of a response to the Order, on December 3, 2024, the Court issued an Order to Show Cause Why This Court Should Not Recommend Dismissal (“OSC”). (OSC, ECF No. 9.) The Court directed that the OSC would be discharged if Plaintiff filed, by no later than January 2, 2025, a SAC, notice that he wished to proceed with the FAC, or a Notice of Dismissal. (*Id.*) The cautioned Plaintiff that **“failure to comply with this order may result in a recommendation that the lawsuit be dismissed for failure to prosecute and/or failure to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). See C.D. Cal. L.R. 41-1.”** (*Id.*)

On December 17, 2024, the OSC was returned as undelivered from Plaintiff’s address of record. (ECF No. 10.) On January 13, 2025, the Court re-sent the OSC to Plaintiff’s address of record and the address reflected on the Los Angeles County Sheriff’s Department Inmate Locator and directed Plaintiff to notify the Court of any update to his address. (ECF No. 11.) The Court cautioned Plaintiff that Central District of California Local Civil Rule (“Local Rule”) 41-6 required a “party proceeding *pro se* must keep the Court and all other parties informed of the party’s current address as well as any telephone number and email address.” (*Id.* (quoting C.D. Cal. L.R. 41-6).) On January 15, 2025, the Court extended the deadline for Plaintiff to respond to the OSC to no later than February 14, 2025. To date, however, Plaintiff has not filed a response to the OSC or a notice of change of address.

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Plaintiff is **ORDERED TO SHOW CAUSE** by **April 24, 2025** why the Court should not recommend that the case be dismissed for want of prosecution. *See* Fed. R. Civ. P. 41(b); C.D. Cal. L.R. 41-1. If Plaintiff files a SAC, a notice that he wishes to proceed with the First Amended Complaint, or a Notice of Dismissal (form attached to this order) on or before that date, this Order to Show Cause will be discharged, and no additional action need be taken.

The Court has proactively searched the Los Angeles County Sheriff's Department Inmate Locator, which indicates that Plaintiff is still located at Twin Towers Correctional Facility. *See* Los Angeles County Sheriff's Department Inmate Information Center, <https://app5.lasd.org/iic> (last visited March 24, 2025). Plaintiff must confirm that the Court has his appropriate address to list for his address of record. If Plaintiff has, in fact, relocated to a new address, he is **ORDERED** to notify the Court of the new address **forthwith**. A Notice of Change of Address form is attached to this Order.

As a one-time courtesy to Plaintiff, the Court **DIRECTS** the Clerk's Office to serve this Order by U.S. Mail to Plaintiff at both the address currently listed on the Court's docket and the following address:

Kyron Lynn Aubery
BK. NO. 6509613
450 Bauchet Street
Los Angeles, CA 90012

Plaintiff is cautioned that failure to comply with this Order may result in a recommendation that the lawsuit be dismissed without prejudice for failure to keep the Court apprised of his current address, failure to prosecute, and/or failure to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b). *See* C.D. Cal. L.R. 41-6.

It is so ordered.

Attachments:

Notice of Change of Address Form
Notice of Dismissal